

FILED

NOV 10 2004

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION

UNITED STATES OF AMERICA

)

)

VS.

)

NO. P-04-CR-220

)

RUSSELL ADAM QUIETT

)

ORDER PURSUANT TO 18 U.S.C. § 2703(d)

This matter having come before the court pursuant to an application under Title 18, United States Code, Section 2703(b) and (c), which application requests the issuance of an order under Title 18, United States Code, Section 2703(d) directing United Online (“United”), an electronic communication service and remote computing service located at 75 9th Avenue, New York, New York, in the Southern District of New York to provide records and other information pertaining to a subscriber of such service as set forth in Attachment 1 to the Application, the Court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation.

IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation;

IT IS ORDERED pursuant to Title 18, United States Code, Section 2703(d) that United will, within seven (7) days of the date of this Order, turn over to Special Agent Janice Mertz of the Federal Bureau of Investigation, 1004 N. Big Spring, Suite 600, Midland, TX 79701(ph. 432.570.0255) the records and other information as set forth in Attachment 1 to this Order.

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IT IS FURTHER ORDERED that the Clerk of the Court shall provide Assistant United States Attorney John S. Klassen with three (3) certified copies of this Application and Order.



THE HON. ROBERT JUNELL.
UNITED STATES DISTRICT JUDGE

11-9-04
Date

ATTACHMENT 1

United is to provide the following information as hard-copy printouts and, if possible, on CD-R:

- A. Customer and account-related transactional information for the **q-russ@juno.com** e-mail account, or for accounts otherwise associated with the **q-russ@juno.com** account. For each such account, the information shall include:
1. The subscriber's name;
 2. The subscriber's address;
 3. The subscriber's local and long-distance telephone connection records, and all records of session times and durations;
 4. Length of service (including start date) and types of service utilized;
Means and source of payment for such service (including any credit card or bank account number);
 5. The content of any member "profile page" for the subscriber, including previous versions of such page;
 6. Listing of any and all Folders created in connection with the **q-russ@juno.com** account;
 7. The contents of any Address Book associated with the **q-russ@juno.com** account;
 8. The substance and source of any complaints received by United in relation to the **q-russ@juno.com** account;

B. The contents of recoverable electronic communications (not in electronic storage¹), if any, that were placed or stored in United computer systems in directories or files owned or controlled by the subscriber of the account identified in Part A at any time after the establishment of the account up through and including the date of this Order. Such communications would include (1) any opened and “saved” e-mail that may have been stored by the subscriber in the account’s in-box or in an account folder; (2) any files found in a “draft” folder; (3) any e-mail messages located in or recoverable from the account’s “trash” folder; and (2) any “sent” e-mail from the account, the contents of which have been “saved” by direction of the subscriber in a folder or otherwise.

¹ “Electronic Storage” is a term of art, specifically defined in 18 U.S.C. § 2510(17) as “(A)any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and (B) any storage of such communication by an electronic communication service for purposes of backup protection of such communication.” The government does not seek access to any such materials.